(3)

BEFORE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR.

Writ Petition No. 674 2001.

(DB matter).

Petitioner :- **PRABHAKAR JANARDAN NIKHARE**
S/o Shri Janardan Nikhare
aged about 45 years,
Assistant Director
(Entomology).
Department of Agriculture
And Co-operation,
Ministry of Agriculture,
Central Integrated Pest Management Centre
C-60 Shailendra Nagar,
RAIPUR (Chhattisgarh).

P.R. No. 743/01
Presented by Shri V.K. Sanzgiri
on 19.6.01

VERSUS

Respondents :- (1) **UNION OF INDIA**
Through :- Secretary
Ministry of Agticulture
Department of Agriculture and
Co-operation, **NEW DELHI.**

(2) **PLANT PROTECTION ADVISER TO THE GOVERNMENT OF INDIA**,
Director of Plant Protection
Guarantee And Storage
NH-4 M Faridabad (Haryana).

ore

contd...2

PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA.

(33)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

W.P. No. 674/2001

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	2/5/2001	

Shri V.G. Tamaskar, learned counsel for the petitioner.

Heard on the question of admission.

Learned counsel for the petitioner submits that respondent no.2 has transferred the petitioner and the said transfer is illegal. In support of the petition, learned counsel for the petitioner has placed his strong reliance upon the provisions contained in 'The persons with with Disabilities (Equal Opportunieis & Full Participation Protection) Act, 1995). Learned counsel for the petitioner submits that in view of the provisions contained in this Act, the petitioner is entitled to be retained. His further submission is that the Central Government was required to make some rules to protect the individuals from the vice of transfers. The said Act does not say that a person, who secures employment, cannot be transferred from one place to another. The Act simply says that the persons suffering with disabilities would have equal opportunity of participation in education and employment. It further says that there shall be no discrimination only on the ground of disability and State Co-ordination

[पीछे देखिये

आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Committee so also the Central Co-ordination Committee shall be bound. constituted.

After going through the petition and the Act, we are unable to hold that the petitioner can seek any protection under this Act. So far as question of non-framing of the rules are concerned, in this petition under Article 227 of the Constitution, where we have to examined the correctness and validity of the order passed by the Central Administrative Tribunal, it would not be open for us to issue instructions or directions to the Central Government to frame some rules. If the petitioner feels that such Rule should be framed, then he may approach appropriate forum for framing certain rules.

On the merits we are unable to hold that the transfer order suffers with the vice of excessiveness or malafide. The Tribunal has given cogent reasons for rejecting the petition. We find no reason to interfere. This petition is dismissed.

Sd/-
Chief Justice

Sd/-
R.S. Garg
Judge